UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

ST. VINCENT HEALTHCARE

Employer

and

Case 27-RC-8577

MONTANA NURSES ASSOCIATION, NATIONAL FEDERATION OF NURSES, AFL-CIO

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.

WILMA B. LIEBMAN,

CHAIRMAN

PETER C. SCHAUMBER, MEMBER

Dated, Washington, D.C., February 17, 2010

Member Schaumber does not rely on the Regional Director's decision to the extent he finds that the Yellowstone Building is not part of the acute care hospital solely because it has a different address. He concurs with the Regional Director's conclusion that the Yellowstone Building is not part of the acute care hospital because while there is a skyway connecting the two facilities, the employer has not shown that the acute care hospital and the Yellowstone Building are so operationally integrated as to constitute a single facility.

¹Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See *Teamsters Local 523 v. NLRB*, 590 F.3d 849 (10th Cir. 2009); *Narricot Industries, L.P. v. NLRB*, 587 F.3d 654 (4th Cir. 2009); *Snell Island SNF LLC v. NLRB*, 568 F.3d 410 (2d Cir. 2009), petition for cert. filed 78 U.S.L.W. 3130 (U.S. Sept. 11, 2009) (No. 09-328); *New Process Steel v. NLRB*, 564 F.3d 840 (7th Cir. 2009), cert. granted 130 S.Ct. 488 (2009); *Northeastern Land Services v. NLRB*, 560 F.3d 36 (1st Cir. 2009), petition for cert. filed 78 U.S.L.W. 3098 (U.S. Aug. 18, 2009) (No. 09-213). But see *Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB*, 564 F.3d 469 (D.C. Cir. 2009), petition for cert. filed 78 U.S.L.W. 3185 (U.S. Sept. 29, 2009) (No. 09-377).